



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
First Named Applicant				

TITLE OF
INVENTION

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.

Applicant(s)

09/220,691

TSUJI ET AL

Examiner

Art Unit

Jon P. Weber, Ph.D

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable. PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed): Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 18 June 2001
2. ☒ The allowable claim(s) is/are 1-7 and 6-21
3. ☒ The drawings filed on 28 September 1998 are accepted by the Examiner
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) or (f).
 - a) ☐ Yes b) ☐ Some c) ☐ None of the
 1. Certified copies of the priority documents have been received
 2. Certified copies of the priority documents have been received in Application No. _____
 3. Copies of the priority documents have been received in the national stage application from the International Bureau (PCT Rule 17.2(a))

* Certified copies not received _____

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) to a provisional application).
 - (a) ☐ Translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SURETY OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ Involving changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached hereto or to ☐ Paper No. _____
 - (b) ☐ Involving changes required by the proposed drawing correction filed _____ which has been approved by the Examiner
 - (c) ☐ Involving changes required by the attached Examiner's Amendment / Comment or in the office action of Paper No. _____

Identifying data such as the application number (see 37 CFR 1.84(c)) should be written in the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSITION OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statement (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Status of the Claims

The response filed 18 June 2001 has been received and entered. Claims 1, 3-4 and 6-21 have been presented for examination.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Chinn on 10 July 2001.

The application has been amended as follows:

IN THE CLAIMS:

In claim 1, at line 4, replace "are" with -- is --.

The following is an examiner's statement of reasons for allowance:

Tsuji et al. (JP 10265359) was relied upon under inherency, that is, application of the elastase-like enzyme inhibitors of Tsuji et al. (JP 10265359) to the skin for treatment of wrinkles would necessarily inhibit hair growth. However, the claims recite that the inhibitors are only administered to the affected area of a subject in need thereof. There does not appear to be any suggestion or indication in Tsuji et al. (JP 10265359) that areas of the skin requiring treatment of wrinkles would inherently contain hair in need of removal. Further there is no evidence of record

to so indicate. Accordingly, it is deemed that the instant claims distinguish over Tsuji et al. (JP 10265359).

The instant claims also require that the inhibitors of elastase-like enzymes and neutral endoproteases are not inhibitors of matrix metalloproteases. It had been urged in response of 07 December 2000 that this amendment provided a distinguishing property of the instantly claimed invention over inhibitors that inhibit elastase-like enzymes and neutral endoproteases as well as matrix metalloproteases. Support for this negative limitation is implied at page 2, second full paragraph of the disclosure, and stated somewhat more explicitly in original claim 2.

Accompanying the instant request for reconsideration is the English language translation of the Japanese priority document which was provided at least in part to antedate Tsuji et al. (JP 10265359). It is noted however, that there is a lack of written description for the negative limitation "not a matrix metalloprotease inhibitor" in the priority document. Accordingly, while priority to the Japanese application is granted, benefit for this limitation is not.

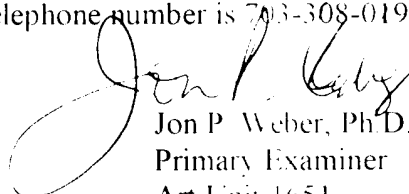
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 1, 3-4 and 6-21 are allowed

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon P. Weber, Ph.D. whose telephone number is 703-308-4015. The examiner can normally be reached on daily, off 1st Fri, 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 703-308-4743. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.


Jon P. Weber, Ph.D.
Primary Examiner
Art Unit 1651

JPW
July 11, 2001